

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

WHITNEY BAILEY, Ph.D.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-19-1147-JD
	)	
(1) STEPHAN WILSON,	)	
(2) SISSY OSTEEN,	)	
(3) JORGE ATILES,	)	
(4) JARROD NOFTSGER, AND	)	
(5) GARY SANDEFUR	)	
in their individual capacities,	)	
	)	
Defendants.	)	

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**PLAINTIFF’S NOTICE OF SUPPLEMENTAL AUTHORITY**

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Plaintiff, Whitney Bailey, Ph.D. (“Plaintiff”) submits this Notice of Supplemental Authority to potentially aid this Court as it evaluates the pending Motions to Dismiss filed by the Defendants. Plaintiff shows this Court the following:

1. One item at issue in the pending Motions to Dismiss is alleged untimeliness for portions of Plaintiff’s § 1983 claims.
2. Plaintiff argues that at this stage of litigation, she has stated plausible § 1983 claims against the Defendants and her claims are timely.
3. A portion of Plaintiff’s argument on the pending Motions to Dismiss is that the continuing violation doctrine is another basis to reject the Defendants’ timeliness arguments. [*See, e.g.*, Doc. 26 at pp. 11-14].

4. During the pendency of these Motions to Dismiss, Judge David L. Russell of this Court has recognized the applicability of the continuing violation doctrine to § 1983 claims brought in the university setting. This was recognized in an Order dated September 23, 2020 from Judge Russell in the §1983 case Randy Blake Patterson, M.D. v. State ex rel. Bd. of Regents of the University of Oklahoma, et al, W.D. Okla. Case No. CIV-20-355-R.
5. Judge Russell's Order is Document 22 in the Patterson case and is attached hereto as Exhibit "1".
6. Specifically in his Order on footnote 2 at page 8, Judge Russell quoted several Tenth Circuit and other Circuit authorities and stated that "the Court proceeds with the understanding that the doctrine applies to § 1983 claims."
7. Given Judge Russell's recent Order, Plaintiff desired to submit notice of the same to this Court as a supplement to her previous response briefs at bar.

Respectfully submitted,

/s/ Geoffrey A. Tabor  
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JURY TRIAL DEMANDED  
ATTORNEY LIEN CLAIMED

**CERTIFICATE OF SERVICE**

I certify that on the above file-stamped date that I filed this document with the Court Clerk via the Electronic Filing System for filing and transmittal, it was disseminated to the following counsel of record:

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